

IN THE UNITED STATES DISTRICT COURT.
FOR THE DISTRICT OF DELAWARE

Samuel Bishop
Plaintiff

Civil Action.

08-312-JJF

% Quierra Williams.
Defendants

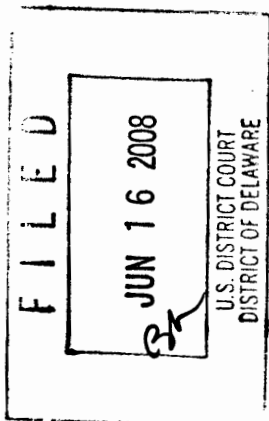
Judge Joseph J. Focman, Jr.

MOTION TO AMENDING TRIAL DATE
FOR RECONSIDERATION TO
MEMORANDUM OF POINTS AND TO
DISMISS THE ORDER PURSUANT TO
Federal Rule of Civil Procedure.
 The Plaintiff, Samuel Bishop
 by and through Counsel hereby
 moves this Honorable Court for an
 order of dismissal. The Plaintiff
 states the following.

At all times relevant, the
 Plaintiff, Samuel Bishop, was
 incarcerated in the Delaware
 Correctional Center, Smyrna, Del.

He has filed a Complaint
 against % Quierra Williams
 and the Defendants in his
 Complaint. Pursuant to
 42. U.S.C. § 1983.

IN SUPPORT OF PLAINTIFF
 MOTION TO DISMISS ORDER.



2.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAMUEL BISHOP
Plaintiff

Civil Action
08-312-JJF

% Quirre Williams
Defendant

MOTION ORDER AMENDING TRIAL
DATE.

Plaintiff while incarcerated, has filed more than three civil action. That have been dismissed as Frivolous or. For Failure To State a Claim upon which relief may be granted as. in imminent danger of serious physical injury. Plaintiff

Also, a Prisoner who is not proceeding in Forma pauperis. May file a new civil action or. appeal even if that Prisoner had three or. more dismissals described in 28. U.S.C. 1915.(9.) applying the three strikes rule *Keener. V. Pennsylvania* of Probation & Parole. 128. F. 3d. 143. 3d. Cir 1997. AN exception is made to the three strikes rule when the Prisoner is in-imminent danger of serious physical injury.

also, a prisoner who is not
proceeding in forma pauperis may
File a new civil action
or appeal. PLAINTIFF

Samuel Bishop is a prisoner
is File for a new action
for a Complaint brought
to this Court as not being
frivolous. and can show that
there was individual constitutional
deprivation and violation of his
Constitutional right violation.
and I was assaulted in the
Detention Facility. on date of
1, 14, 08. and the is Hospital
Records. To prove my complaint.
and G. Deierra Williams wrote
the report up wrong. I went
to G. Deierra Williams with
a Complaint. The inmate
trespass in my Room. come into
my Room. Had a Razor Blade
and cut me. Pictures was
taken by Staff G. Alisa
Profaci. I was assaulted.
all parties. Took a part of
this Complaint. I have proved
of my Complaint.

IT is well settled that inmates enjoy a Fourteenth Amendment liberty interest in being free FROM assault FROM fellow inmates. *Curtis v. Everett*, 489 F.2d 516 13d. Cir. 1973. *Smith v. Curtis* 416 U.S. 995. 1974.

Jo Quicira Williams & the Defendants the prison officials violate an inmates liberty interest where they demonstrate intentional conduct and deliberate indifference in allowing a prisoner to be assaulted. *Id.* at 518. *Davidson v. O'Loone*, 752 F.2d 817 3d. Cir. 1984.

Plaintiff state that if the Defendants responded to Rule To Show Cause issued. The defendants would show the Court the Plaintiff was assaulted in a detention facility. *Davidson v. Cannon*, 474 U.S. 344 1985.

Plaintiff lost all personal property. Jo Quicira Williams lost all my personal's.

Plaintiff as For extended.
 appeal to the Court. To
 presented my case to the Court.
 I can raised issues on
 sufficient evidence s. to
 support my case. of abuse
 of burden of proof beyond a
 reasonable doubt. eyewitnesses.
 To the alleged offenses in
 question. and the Honorable Court
 dismiss the Frivolous. and the
 Honorable Court grant The Plaintiff
 new civil action or appeal even
 if that prisoner has three or
 more dismissals. described
 in 28. U.S.C. 1815. of The
 Ketch v. Pennsylvania. Bd. of
 Probation & Parole. I was
 wrote up by Sgt. Quicira Williams
 a disciplinary Report. Show. I
 did not do a thing only a
 Shakedown of my Room. Cell.
 12. only a E-Crew Xlone
 was Found Bloody Sheet. only that
 inmate left in cell. My Cell.
 She Shakedown. the other inmate.
 James. Riley. on my Report.

6

I came out of my cell u. 12.
 Because my lip would not stop
 bleeding and Told Jo Pereira
 Williams my problem. She told
 me to go to sick cell Hall
 and wait till the L.T. comes.
 For Complaint I told her
 what happen and she told the
 L.T. and the Shakedown of
 my House. I was put in
 isolation confinement for 15 days
 then SHU for 6 months and.
 The hearing office said to
 me. You are guilty of Fighting
 and no appeal. Her hand cuffed.
 Take him away. I did not
 have a chance to explain what
 happen. No witness. even
 Jo Pereira Williams and Doctor
 and SGT Newman was there.
 Violation of discrimination against
 me. By STAFF See Farmer v.
 Brennan. 511. u.s. 825. 1994.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE
CERTIFICATE OF SERVICE

Plaintiff Samuel Bishop hereby
 Certify that I have served a True
 and correct copies of the attached.
 To all parties. To the Complaint.
 The Plaintiff is asking the
 Court to Renew Plaintiff
 Motion For Factual Records
 of Complaint on the basis of
 Civil Procedure 59. and that
 my Plaintiff Complaint Be
 granted. in Favor of Plaintiff
 of liberty interest and deliberate
 indifference in allowing. Id. Ct.
 5.18. Davidson v. O'Leary. 752 F.2d.
 817. 3d. Cir 1984. MEMORANDUM
 ORDER. BE grant. Plaintiffs
 is challenging condition of
 my confinement. For writ of
 confinement. Such a claim can
 only be brought in Petition
 For writ of Habeas corpus.
 and not in a Complaint under
 42. U.S.C. 1983. Preiser v
 Rodriguez. 411 U.S. 475. 500
 1973.

in addition I am not guilty of
all the defendants. Quierra williams.
Disciplinary Report 1037378.
IR. 1049302. Bldg. 22. C. Tier.

Plaintiff is seeking liability
under the Eleventh Amendment and
the Fourteenth Amendment.

See AFFIDAVIT OF CORRECTIONAL
OFFICER. DOCUMENTS. Filed by.

Samuel Bishop and Filed by
Staff Quierra williams.

Statements made by employees.

Plaintiff is asking the
Honorable Court grant the
ORDER FOR. 7, 14, 2008.

Plaintiff does not have \$350.00.
For Filing Fee. Not Beadmissible.

Samuel Bishop 068049.

1181 Paddock RD

SMYRNA, DE 19977.

with May. Consent Form

I/M Samuel Bishop
SBI# 068049 UNIT SHU-19B
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



Mr Judge Joseph J. Torman. Jr.
Office of The Clerk
U.S. States District Court
844 N. Kipp Street
Wilmington, Del.
19801-3870

Legal Mail